

Item No. _____

Prepared by: Steve Summerall

Approved by: Christy L. Kinard
Assistant County Attorney

RESOLUTION RECEIVING AND FILING THE RESIGNATION OF COMMISSIONER DAVID LILLARD, EFFECTIVE FEBRUARY 4, 2009; DECLARING A VACANCY ON THE SHELBY COUNTY BOARD OF COMMISSIONERS, DISTRICT 4, POSITION 3; SETTING MONDAY, FEBRUARY 23, 2009 AS THE DATE FOR THE ELECTION BY THE SHELBY COUNTY BOARD OF COMMISSIONERS TO FILL THE VACANCY; AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO PUBLISH NOTICE OF ELECTION; AND DIRECTING THE SHELBY COUNTY ATTORNEY TO CONDUCT CRIMINAL BACKGROUND CHECKS ON ALL CANDIDATES FOR SAID VACANCY. SPONSORED BY COMMISSIONER JOE FORD.

WHEREAS, At the Shelby County Board of Commissioner's meeting of January 26, 2009, Shelby County Commissioner David Lillard orally submitted his resignation from his position in District 4, Position 3 effective February 4, 2009 in order to accept the position of Treasurer for the State of Tennessee; and

WHEREAS, A copy of Commissioner Lillard's letter of resignation is attached hereto and incorporated herein by reference; and

WHEREAS, Pursuant to Article VII, § 2 of the Tennessee Constitution, Tenn. Code Ann. §§ 5-1-102(i) and 5-5-104(b) and § 2.11 of the Shelby County Charter, the Board of County Commissioners has the duty of filling this position until the next election, where upon it can lawfully be placed on the ballot; and

WHEREAS, The Board of County Commissioners desires to fulfill this obligation by publishing the necessary notice in order to call for the election to be filled by the Board of County Commissioners at a meeting to be convened on Monday, February 23, 2009 at 1:30 p.m.; and

WHEREAS, Interviews for said vacancy shall be conducted by the Commission's General Government Committee on Wednesday, February 18, 2009 at 12:30 p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That this Commission hereby receives and files the aforementioned resignation and declares that District 4, Position 3, of the Board of County Commissioners is vacant.

BE IT FURTHER RESOLVED, That the Chairman of the Board of County Commissioners be and is hereby authorized and directed to furnish the proper public notice and secure the publication for said election.

BE IT FURTHER RESOLVED, That interviews for said vacancy shall be held on Wednesday, February 18, 2009 at 12:30 p.m. by the General Government Committee and that the election to fill the vacant seat by the Board of County Commissioners shall be held at their meeting on Monday, February 23, 2009 at 1:30 p.m.

BE IT FURTHER RESOLVED, That this resolution shall take effect from and after the date it shall have been enacted according to due process of law, the public welfare requiring it.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____